

Arguments/Amendments

1. Applicant's arguments/amendments have been fully considered but they are not persuasive as for the following reason:
2. The text of those sections of Title 35, U.S. Code not included in this section can be found in the previous office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Orban et al. (US4764665).

Orban et al. discloses a flexible garment system (10) [column 3-4] which is capable of emitting heat when an electrical current is applied, the flexible garment system comprising an electrically insulating fiber base structure with an electrically and thermally conductive area (11) and bus bars (12) which supply power to at least two yarn based power supply lines (electrical connections through suitable metallic bus bars are made to opposite end of metalized fabric, thus permitting current flow throughout entire surface of the fabric) all of which are incorporated during the manufacture of the flexible garment system.

Metalized fabric between busbars is considered as a power supply lines since current flows throuout entire surface.

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During examination, claim limitations are to be given their broadest reasonable reading.

In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

The electrically insulating base structure is woven fabric made of natural, regenerated or synthetic fibers (column 2, line 5).

The electrically and thermally conductive area comprises a woven fabric made of metalised fabric, the fibers selected from the group consisting of fabric such as polyaramid, polyester, cotton, or other appropriate fabrics and may be metal coated either in multi-filament form and then woven into the fabric or may be metal coated in the as woven or the nonwoven formed state with metal coatings such as copper, nickel, silver, (column 3, lines 20-56) or a combination of these.

The garment is power by connection to a self-contained power supply (column 3, line 33-35).

The garment has a further comprising an additional base structure with a thermally conductive area applied thereto.

REMARKS

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Orban et al. discloses a yarn base power supply lines (column 2, lines 5-32), "The invention involves woven fabrics which have been metalized following weaving which are included as a heating element in a glove or an airfoil or other aircraft parts. Electrical connections through suitable metallic busbars are made to opposite ends of the fabric, **thus permitting current flow throughout the**

entire surface of the fabric. A puncture or tear of the fabric will not cause failure of the system. In the case of a glove, the fabric so constructed is provided on both sides with additional fabric to insulate the wearer or user from the electrically conducting fabric. In the case of an airfoil, **a metal coated fabric strip replaces the resistive wire** which is used in the leading edge of the airfoil, whether the airfoil be a wing or some other portion of the aircraft such as a helicopter rotor blade. This fabric strip may be on the wing surface or embedded within the wing. In the case of an epoxy composite wing, or other airfoil, the composite material which is used for reinforcing the composite could also be the heating element. **The electric current passes through the wire at one end of the fabric strip through the strip and then through a wire at the opposite end back to the source of electrical current.”** thus meets claim limitations.

During examination, claim limitations are to be given their broadest reasonable reading. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINOD D. PATEL whose telephone number is (571)272-4785. The examiner can normally be reached on 7.15 A.M. TO 3.45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinod D. Patel/

Examiner, Art Unit 3742

/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742